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REMARKS

This is a full and timely response to the outstanding Office action mailed March 29, 2006. Upon entry of the amendments in this response claims 1-34 are pending. More specifically, claims 26 and 30 are amended. These amendments are specifically described hereinafter. As the amendments of claims 26 and 30 are for purposes of responding to a rejection under 35 U.S.C. §101 and not for a substantive rejection under a cited reference, a subsequent Office Action, should one be deemed necessary, should retain a non-final status.

I. Present Status of Patent Application

Claims 26-34 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-3, 13-16, and 26-31 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Hutchinson, et al* (U.S. Publication No. 2003/0233438). These rejections are respectfully traversed.

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Darrow spent with Applicant's representative Benjie Balser during a May 24, 2006, telephone discussion regarding the above-identified Office Action. Applicant believes that various features described in the patent application and recited in the independent claims, including utilizing keyword, matching and *Hutchinson* were discussed during the telephone discussion, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Darrow seemed to indicate that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Darrow carefully consider this amendment and response.

III. Rejections Under 35 U.S.C. §101

Claims 26-34 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claim 26 has been amended to add a presentation

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module such that the rejections under §101 are moot. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. 101 should be withdrawn.

IV. Rejections Under 35 U.S.C. §102(e)

A. Claims 1-3 and 13

The Office Action rejects claims 1-3 and 13 under 35 U.S.C. §102(e) as allegedly being anticipated by *Hutchinson, et al* (U.S. Publication No. 2003/0233438). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 recites:

1. A method for providing information on system vulnerabilities, comprising:
populating a database with element or system vulnerability information;
obtaining keywords from profile or policy-descriptive information for the system; and
selecting a database page to access from a database structure configured as a hierarchical plurality of database pages, each database page having a page index, data section and selector section, and **utilizing keyword matching** between the descriptive information and selector section **to obtain vulnerability information** for an element or combination of elements.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Hutchinson* does not disclose, teach, or suggest at least **utilizing keyword matching to obtain vulnerability information**. Even if, arguendo, *Hutchinson* discloses providing a numerical vulnerability risk rating based upon impact, it does not disclose keyword matching.

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Therefore, *Hutchinson* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 is allowable over the cited references of record, dependent claims 2-3 and 13 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-3 and 13 contain all the steps/features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-3 and 13 are patentable over *Hutchinson*, the rejection to claims 2-3 and 13 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-3 and 13 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 2-3 and 13 are allowable.

B. Claims 14-16

The Office Action rejects claims 14-16 under 35 U.S.C. §102(e) as allegedly being anticipated by *Hutchinson, et al* (U.S. Publication No. 2003/0233438). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 14 recites:

14. A computer-readable medium having a computer program for providing information on system vulnerabilities for performing the steps of:
- logic configured to populate a database with element or system vulnerability information;
 - logic configured to query a database to obtain descriptive information for the system;
 - logic configured to select a database page to access from a database structure configured as a hierarchical plurality of database pages, each database page having a page index, data section and selector section; and

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logic configured to perform keyword matching between the descriptive information and selector section *to obtain vulnerability information* for an element or combination of elements.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Hutchinson* does not disclose, teach, or suggest at least **logic configured to perform keyword matching to obtain vulnerability information**. Even if, arguendo, *Hutchinson* discloses providing a numerical vulnerability risk rating based upon impact, it does not disclose keyword matching. Therefore, *Hutchinson* does not anticipate independent claim 14, and the rejection should be withdrawn.

Because independent claim 14 is allowable over the cited references of record, dependent claims 15-16 (which depend from independent claim 14) are allowable as a matter of law for at least the reason that dependent claims 15-16 contain all the steps/features of independent claim 14. Therefore, since dependent claims 15-16 are patentable over *Hutchinson*, the rejection to claims 15-16 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 14, dependent claims 15-16 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 15-16 are allowable.

C. Claims 26-34

The Office Action rejects claims 26-34 under 35 U.S.C. §102(e) as allegedly being anticipated by *Hutchinson, et al* (U.S. Publication No. 2003/0233438). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

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Independent claim 26 recites:

26. A system for providing information on system vulnerabilities, comprising:
a database populated with descriptive system information;
a database structure configured as a hierarchical plurality of database pages, each
database page further comprises a page index, data section and selector section,
and wherein the data section is further configured to include the element
vulnerability information and the selector section is further configured to include
links to related database pages;
a rule processor module configured to enable rules for cycling through the database
structure ***to match keywords provided by user input***, including profile/policy-
descriptive system information provided by the user, ***and the descriptive system
information from the database with element vulnerability information from the
database structure***; and
a presentable module configured to present results of keyword matches.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 26 as amended is allowable for at least the reason that *Hutchinson* does not disclose, teach, or suggest at least **a rule processor module configured to enable rules to match keywords provided by user input and the descriptive system information from the database with element vulnerability information from the database structure**. Even if, arguendo, *Hutchinson* discloses providing a numerical vulnerability risk rating based upon impact, it does not disclose keyword matching. Therefore, *Hutchinson* does not anticipate independent claim 26, and the rejection should be withdrawn.

Because independent claim 26 as amended is allowable over the cited references of record, dependent claims 27-34 (which depend from independent claim 26) are allowable as a matter of law for at least the reason that dependent claims 27-34 contain all the steps/features of

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independent claim 26. Therefore, since dependent claims 27-34 are patentable over *Hutchinson*, the rejection to claims 27-34 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 26, dependent claims 27-34 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 27-34 are allowable.

V. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-34 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Benjamin A. Balser, Reg .No. 58,169

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

Customer No.: 38823